

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NEXTGEAR CAPITAL, INC.,
an Indiana company,
Plaintiff,
v.

Case No. 16-cv-10298
Hon. John Corbett O'Meara

JOHN YURKOVICH AUTO SALES, INC.,
a Michigan company, and
JOHN YUKOVICH, individually,
Defendants.

F I L E D
FEB 12 2016
CLERK'S OFFICE
U.S. DISTRICT COURT
ANN ARBOR, MI

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**ORDER GRANTING PLAINTIFF'S
MOTION FOR POSSESSION PENDING FINAL JUDGMENT**

Plaintiff NextGear Capital, Inc. ("NextGear"), filed a Verified Motion and Brief for Possession Pending Final Judgment and for a Temporary Order Pending Hearing pursuant to Fed. R. Civ. P. 64, MCL § 600.2920, and MCR 3.105 (the "Motion").

On January 28, 2016, NextGear personally served Defendant John Yurkovich Auto Sales, Inc. ("JYAS") with the Motion and Notice of Hearing.

JYAS did not file a response. The Court having reviewed the Motion and having conducted a hearing on February 11, 2016, the Court being otherwise fully advised on the premises, and for the reasons stated on the record:

IT IS HEREBY ORDERED THAT:

1. NextGear is granted immediate possession of the following vehicles (“Vehicles”) which may be in the possession of JYAS, pending final judgment:

1. 2007 Ford Focus, VIN 229427, Stock #554
2. 2007 Pontiac G6, VIN 102573, Stock #556
3. 2002 Ford Focus, VIN 109953, Stock #560
4. 2006 Chrysler Town & Country Touring Signature, VIN 738974, Stock #561
5. 2005 Dodge Durango, VIN 510795, Stock #592
6. 2004 Cadillac DeVille, VIN 126115, Stock #596
7. 2004 Cadillac SRX, VIN 165241, Stock #597
8. 2002 Ford Ranger, VIN A74737, Stock #602
9. 2005 Chevy Trailblazer, VIN 276655, Stock #604
10. 2000 Chevy Montana, VIN 285371, Stock #608
11. 2003 Chrysler PT Cruiser, VIN 619934, Stock #609
12. 1998 Ford Mustang, VIN 208711, Stock #610
13. 2003 Chrysler Town and Country, VIN 241525, Stock #612
14. 2000 Ford E350, VIN B26780, Stock #614
15. 2004 Pontiac Grand Am, VIN 245597, Stock #619
16. 1985 Lincoln TownCar, VIN 666860, Stock #621
17. 2001 Ford F150, VIN E49140, Stock #623
18. 2004 Ford Explorer, VIN B17384, Stock #624
19. 2007 Chrysler PT Cruiser, VIN 557762, Stock #625
20. 2004 Ford F150, VIN A44386, Stock #632
21. 2007 Cadillac DTS, VIN 183103, Stock #635
22. 2006 Hummer H3, VIN 282843, Stock # 638
23. 2006 Chevy Aveo, VIN 577252, Stock #639
24. 2008 Chrysler Town & Country Touring, VIN 844342, Stock #641

2. The Sheriff or court officer shall seize the Vehicles within 21 days of entry of this Order and deliver them to NextGear.

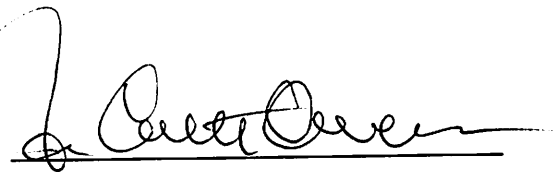
3. Upon its receipt of the Vehicles, NextGear shall store the Vehicles in a commercially reasonable manner and is not to dispose of the Vehicles prior to entry of a final judgment.

4. JYAS and anyone acting in concert with JYAS with actual or constructive knowledge of this Order are prohibited from using, operating, damaging, destroying, concealing, hypothecating, selling, transferring, giving away, altering or otherwise disposing of the Vehicles, except as strictly necessary to ensure they are in a secure, covered and enclosed location or as is otherwise necessary to prevent waste, from entry of this Order until the Vehicles are seized.

5. JYAS shall pay NextGear's reasonable attorney fees and costs incurred in connection with this motion and seizure of the Vehicles.

6. No security bond is required pursuant to MCR 3.1.05(E)(4).

Date: February 12, 2016



John Corbett O'Meara

United States District Judge